

## **REMARKS**

Entry of this amendment in this application, and reconsideration of this application based on that amendment and these following remarks, are respectfully requested.

Claims 1, 4 through 13, 16 and 18 remain in this case. Claims 6, 7, and 9 through 12 are amended.

Claims 6, 7, 9, and 10 are amended for clarity. No new matter is presented.

Claim 12 is amended for clarity, and for consistency with an aspect of Applicants' invention as described in the specification. Amended claim 12 recites that the main controller is for generating color correction data for each projector, and now recites that it is also for communicating the color correction data for each projector to that projector, the color correction data. The claim is also amended to now recite that the projectors further comprise circuitry for calculating corrected pixel values based on the color correction data. The specification clearly supports this amendment to claim 12,<sup>1</sup> and therefore no new matter is presented.

Entry of this amendment to the claims is requested.

Claims 1, 4, 5, 10, 12, 13, and 16 were rejected under §103 as unpatentable over the Oguchi et al. reference<sup>2</sup> in view of the Kunzmann et al. patent<sup>3</sup>. Claim 6 is rejected under §103 as unpatentable over the Oguchi et al. reference in view of the Kunzmann et al. patent, and further in view of the Noguchi reference<sup>4</sup>. Claim 7 was rejected under §103 as unpatentable over the Oguchi et al. reference in view of the Kunzmann et al. patent, and further in view of the Yoshikuni reference<sup>5</sup>. Claims 8 and 9 were rejected under §103 as unpatentable over the Oguchi

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<sup>1</sup> Specification of S.N. 09/945,295, page 18, lines 10 through 15.

<sup>2</sup> U.S. Patent No. 6,340,976 B1, issued January 22, 2002 to Oguchi et al., from an application filed August 17, 1999 via PCT International Application PCT/JP98/01709 filed April 15, 1998.

<sup>3</sup> U.S. Patent No. 6,054,832, issued April 25, 2000 to Kunzmann et al.

<sup>4</sup> U.S. Patent No. 6,101,272, issued August 8, 2000.

<sup>5</sup> English language abstract of Japan Patent Publication 02-001351, dated January 5, 1990, based on an application filed by Yoshikuni.

et al. reference in view of the Kunzmann et al. patent, and further in view of the Appel reference<sup>6</sup>. Claims 11 and 18 are rejected under §103 as unpatentable over the Oguchi et al. reference in view of the Kunzmann et al. patent, and further in view of the Gibson reference<sup>7</sup>.

Applicant respectfully submits that the Kunzmann et al. patent is not available as prior art against the claims in this case for purposes of the §103 patentability determination, for the reasons discussed below.

This application claims priority to provisional application No. 60/229,625, filed August 31, 2000, and is entitled to an effective filing date of August 31, 2000. Accordingly, the Kunzmann et al. patent is not available as a reference under §102(b) against the claims in this case, because its issue (and publication) date is less than one year before the effective filing date of this application.

However, the Kunzmann et al. patent issued on April 25, 2000, from an application filed on May 27, 1998, which is before the effective filing date of this application. As such, the Kunzmann et al. patent is prior art under §102(a), and may be applied under §103, if the date of issue (April 25, 2000) is prior to the date that the invention claimed in this application was made.

Applicant submits that his invention was made prior to April 25, 2000. In support of this assertion, a Declaration of Gregory S. Pettitt is filed with this paper, establishing the date of invention as predating April 25, 2000.

As indicated in that Declaration, Applicant Gregory S. Pettitt conceived of the invention currently claimed in this application at least as early as April 25, 2000. For example, referring to claim 1, the first page of Exhibit A of the Pettitt Declaration clearly describes the storing of chromaticity and luminance data (the results of the “RGBY” algorithm) from the engines of the multiple projectors. The communicating of this chromaticity and luminance data, and the determining of a standard color gamut from that data, is shown on “Page 5 of 9” of Exhibit A. Calculating of color correction data from the standard color gamut and the projector data is

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<sup>6</sup>U.S. Patent No. 5,337,410, issued August 9, 1994 to Appel.

shown on “Page 6 of 9” of Exhibit A, and the use of this color correction data to correct color image data is shown on “page 7 of 9” of Exhibit A. Accordingly, the Pettitt Declaration establishes conception of the claimed method at least as early as April 25, 2000, and the portions of Exhibit A noted above in combination with Figure 2 of Exhibit A clearly establish conception of the claimed apparatus<sup>8</sup> at least as early as April 25, 2000.

Furthermore, the Pettitt Declaration also clearly establishes that diligence toward reduction to practice began at least as early as April 25, 2000, and resulted in actual reduction to practice of the claimed invention in an actual product.

Applicant therefore respectfully submits that the Pettitt declaration establishes that the claimed invention was made at least as early as April 25, 2000, and that therefore the Kunzmann et al. patent is also not available as prior art against the claims in this application under §102(a), for any purpose.

As noted above, the Kunzmann et al. patent issued on April 25, 2000, from an application filed on May 27, 1998, which is before the effective filing date of this application. Therefore, the Kunzmann et al. patent is prior art under §102(e) against the claims in this application.

However, the Kunzmann et al. patent is assigned to Texas Instruments Incorporated, as recorded in the files of the Patent and Trademark Office at reel 009229, frame 0030. This application is also assigned to Texas Instruments Incorporated, as recorded in the files of the Patent and Trademark Office at reel 012155, frame 0550. Accordingly, even though the Kunzmann et al. patent is available as prior art to this application under §102(e), it cannot be applied under §103 against the claims in this commonly-assigned application.<sup>9</sup>

As noted above, each basis of rejection against the claims in this case is a §103 patentability rejection, and is based on the combination of the Kunzmann et al. patent with other prior art. Because the Kunzmann et al. patent is not available as prior art for purposes of §103,

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<sup>7</sup> U.S. Patent No. 5,253,043, issued October 12, 1993 to Gibson.

<sup>8</sup> Claim 12 *et seq.*

<sup>9</sup> 35 U.S.C. §103(c).

for the reasons discussed above, each basis of rejection in this case no longer stands. Applicants therefore respectfully submit that the rejection of all claims in this case is overcome by the Pettitt Declaration.

For these reasons, Applicant submits that all claims are in condition for allowance. Favorable reconsideration of this application, in light of this amendment and these remarks, is therefore respectfully requested.

Respectfully submitted,  
/Rodney M. Anderson/  
Rodney M. Anderson  
Registry No. 31,939  
Attorney for Applicant

Anderson, Levine & Lintel, L.L.P.  
14785 Preston Road, Suite 650  
Dallas, Texas 75254  
(972) 664-9554